



APPROVED BY JS  
DATE 4/5/16

START ACTION NOTICE # 2016-04

1. TYPE OF ACTION:

Amend existing regulation

2. PURPOSE OF ACTION:

The current classification of the shellfish growing area is Seasonally Approved (December 1<sup>st</sup> through April 15<sup>th</sup>) but due to new US Food and Drug Administration Federal Guidance for prohibited zones around wastewater treatment plants, this area is now being classified as prohibited to the harvest of shellfish. Shellfish for the purpose of this regulation are defined as clams, oysters and mussels.

The closure of this shellfish growing area, through the Secretary's Order NO 2016-WS-0013, exceeds the required prohibited area associated with the Rehoboth Wastewater Treatment Plant year-round. The effective date of this closure was on March 21, 2016 and the regulatory process will update the current Shellfish Sanitation Regulations Appendix 3, Rehoboth Bay 1 (Seasonally Approved) to Regulations Appendix 1, Rehoboth Bay and Indian River Bay: 18 (Prohibited).

There are no costs associated with this regulatory change and there is minimal or no impact to commercial clammers because no recent commercial harvest of clams has been reported in the closure area.

3. STATUTORY BASIS:

Delaware Administrative Code 7402 *Shellfish Sanitation Regulations*

4. DATE OF MOST RECENT REVIEW/AMENDMENT:

The date of the last amendment to Delaware Administrative Code 7402 Shellfish Sanitation Regulations was on December 1, 2013.

5. LIKELY AFFECTED PUBLIC:

The likely affected public are licensed commercial clammers, but this impact is minimal because there was no active commercial clam harvest when the Secretary's Order was initiated and reported harvest in this area was minimal over the last several years. There is minimal, if any, financial impact to commercial clammers because of the lack of harvest in the closure area.

There is no impact to recreational clammers because this area was previously only open during cooler months (December 1<sup>st</sup> through April 15<sup>th</sup>) when little to no recreational clam harvest occurs due to cold water temperatures.

6. PROPOSED SCHEDULE OF ACTIVITIES:

Secretary's Order Closing the Area to Harvest- March 21, 2016

Start Action Notice- March 2016

Publication- May 1<sup>st</sup>, 2016

Public Hearing- Spring 2016

Final Publication- Summer 2016

7. REVIEW COMMITTEE:

There is no review committee for this proposed action because the Secretary's Order has already closed this area to harvest to be consistent with Federal Shellfish Guidance.

8. RESPONSIBLE STAFF MEMBER:

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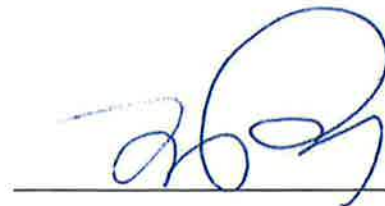
9. APPROVALS:



3/22/2016

Responsible Staff Member

Date

 3/22/16

Division Director

Date